

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 249

CASE NO. 77-33

December 14, 1978

Pursuant to notice, a public hearing was held by the District of Columbia Zoning Commission on February 25, 1978 to consider amendments to the Zoning Map of the District of Columbia. These amendments were initiated by the Zoning Commission to consider changes of zoning for property in and around the right-of-way of the East Washington Railway. The area of the zoning changes is generally within one to two blocks of the Railway right-of-way between Minnesota Avenue and Eastern Avenue, N. W. The specific changes proposed include from C-M-1 to R-5-B, R-5-C, C-1 and C-2-A, from C-1 to R-2 and R-5-B and from C-2-A to R-4.

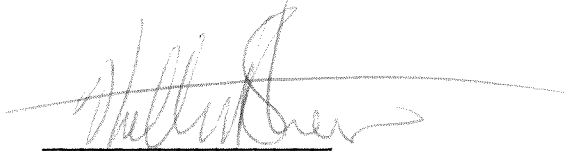
On June 8, 1978, by Order No. 221, the Zoning Commission adopted changes to the Zoning Map for the major part of those areas which had been proposed for rezoning. At that time however, the Commission deferred action on lot 44 in square 5197, and left the case open regarding that lot because of the particular circumstances surrounding that lot. The lot is zoned C-M-1, is located at 5201 Hayes Street, N. E. and is occupied by the Olympia Bakery, a wholesale use first permitted in a C-M District. The rezoning of the property to C-1 as proposed would make the bakery a non-conforming use, and inhibit the ability of the bakery owners to expand or extend the bakery's operations. The Commission believed that such an inhibition for a local neighborhood business, generating taxes and employing residents of the District of Columbia including this area would not be an appropriate restriction. The Commission therefore directed the Municipal Planning Office to review the circumstances surrounding the bakery, and report to the Commission at the appropriate time in the future as to what are the appropriate measures to allow the bakery to remain and expand but which would still protect the community from other unacceptable industrial uses on that property.

Pursuant to that direction, the Municipal Planning Office evaluated a number of alternative solutions for resolving the issue. The alternatives considered included rezoning the property to C-1 and treating expansion of the bakery under the non-conforming use provisions of Article 71; leaving the property C-M and incurring the risk of possible commercial or industrial development; rezoning the property to a low density CR District which would require amendment of the Regulations to create such a district; leaving the property C-M and providing a covenant between the owners and the ANC regarding future use of the site; and rezoning the property to C-1 and amending the non-conforming use regulations to allow greater expansion than now permitted.

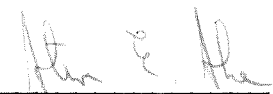
These alternatives were evaluated in conjunction with the owners of the bakery and the local Advisory Neighborhood Commission. All three groups communicated to the Commission the consensus view that the best alternative is to leave the property in its present category of C-M-1. The Commission also believes that the solution to be the most appropriate to encourage continuation of the present use and its benefits to the city.

It is therefore ordered that the rezoning of lot 44 in square 5197 from C-1 to C-M-1 as proposed in Case No. 77-33 be disapproved and that the present C-M-1 zoning be continued.

BY ORDER OF THE DISTRICT OF COLUMBIA ZONING COMMISSION



WALTER B. LEWIS  
Chairman



STEVEN E. SHER  
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on December 14, 1978 by a vote of 4-0 (Ruby B. McZier, George M. White, Walter B. Lewis and Theodore F. Mariani to adopt, John G. Parsons not present, not voting).

In accordance with Section 3.6 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is effective on 19 DEC 1978.